

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAUSTEVEION JOHNSON,

Plaintiff,

v.

MICAELA GAROFALO, *et al.*,

Defendants.

Case No. 3:21-cv-00239-MMD-CLB

ORDER

Pro se Plaintiff Lausteveion Johnson has filed an updated application to proceed *in forma pauperis*. (ECF No. 17.) Based on the information regarding Johnson's financial status in the application, the Court will grant Johnson leave to proceed *in forma pauperis* but will require Johnson to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915. The grant of *in forma pauperis* status adjusts the amount of the filing fee Johnson must prepay—Johnson will be required to prepay an initial installment of \$297.23, instead of having to prepay the full \$350.00 filing fee for this action. The entire \$350.00 filing fee will, however, remain due from Johnson, and the institution where he is incarcerated will collect money toward the payment of the full filing fee when Johnson's institutional account has a sufficient balance, pursuant to 28 U.S.C. §1915. The entire \$350.00 filing fee will remain due and payable, and will be collected from Johnson's institutional account regardless of the outcome of this action.

It is therefore ordered that Plaintiff Lausteveion Johnson's application to proceed *in forma pauperis* (ECF No. 17) is granted. However, Johnson must pay an initial installment of the filing fee in the amount of \$297.23. Johnson will not be required to pay fees or costs, other than the filing fee, or give security therefor.

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1 It is further ordered that by April 15, 2022, Johnson will pay the initial installment
2 of the filing fee to the Clerk of Court. Failure to comply with this order may result in the
3 dismissal of this action.

4 It is further ordered that pursuant to 28 U.S.C. § 1915, as amended by the Prison
5 Litigation Reform Act, the Nevada Department of Corrections will forward payments from
6 the account of Lausteveion Johnson, # 82138, to the Clerk of the United States District
7 Court, District of Nevada, 20% of the preceding month's deposits (in months that the
8 account exceeds \$10.00) until the full \$350.00 filing fee has been paid for this action. The
9 Clerk of Court is directed to send a copy of this order to the Finance Division of the Clerk's
10 Office. The Clerk will send a copy of this order to the attention of Chief of Inmate Services
11 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

12 It is further ordered that, even if this action is dismissed, or is otherwise
13 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended
14 by the Prisoner Litigation Reform Act.

15 DATED THIS 10th Day of March 2022.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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